

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application.

A total of 45 claims are now in the present application, of which 42 claims are pending and 3 claims are withdrawn. The foregoing claim amendments are presented in response to the Office Action mailed August 9, 2010, wherefore reconsideration of this application is requested.

By way of the above-noted amendments, the claims have been amended to avoid overlap with the claims allowed in the parent United States Patent Application No. 10/262,944, which issued to United States Patent No. 7,382,984 on June 3, 2008. More particularly, claims 1-11, 14-20, 22-27, 29-35, 37-42 and 44-48 have been amended, and new claims 49-51 added, to define subject matter disclosed in the present application and not claimed in the parent application. Claims 12, 13, 21, 28, 36 and 43 have been cancelled to avoid redundancy. Support for the subject matter of the amended claims may be found in figures 6a-7b, and the accompanying description in the specification.

Turning to the text of the Office Action, the Examiner has alleged that the originally filed claims lack unity of invention, and has required restriction of the claims to one of a set of four alleged species as follows:

- Species I corresponding to using FFT filter, FIR filter or IIR filter for the step of processing the electrical input signal and encompassing claims 5, 20 and 35;
- Species II corresponding to using look-up table for deriving a one-dimensional signal (e.g., those illustrated by FIG. 4) and encompassing claims 27 and 42;
- Species III corresponding to using look-up table and I/Q components for driving a two dimensional modulator (e.g., those illustrated by FIG. 5); and
- Species IV corresponding to using look-up table for deriving a two-dimensional signal for driving a one-dimensional modulator (e.g., those

illustrated by FIG. 7a)

According to the Examiner:

- claims 1-4, 6, 14-19 and 34 are generic to all alleged species;
- claims 26, 28-33, 41 and 43-48 are generic to alleged species II, III and IV; and
- claims 7-13, 21-25 and 36-40 are generic to alleged species III and IV

To the extent required, and possible, applicant elects the "species" of FIGs. 6a-7b for further prosecution on the merits with traverse, as detailed below. Amended claims 1-4, 6-11, 14-19, 22-27, 29-34, 37-42 and 44-48 and new claims 49-51 are believed to read onto the elected "species". Dependent claims 5, 20 and 35 are withdrawn as being directed to non-elected species I.

Applicant's election of species as set out above approximately conforms to the Examiner's alleged species III. In view of the deficiencies in the Examiner's restriction requirement as set out below, a more specific election does not appear to be possible. Applicant reserves the right to rescind the above-noted election of species and withdrawal of claims 5, 20 and 35 upon withdrawal of the Restriction Requirement or allowance of a generic claim.

The restriction requirement is traversed on the following grounds:

- The restriction requirement is believed to be obviated by way of the above-noted claim amendments. It is further believed that the amended claims share a common "special technical feature" within the meaning of the Patent Cooperation treaty and 37 C.F.R. § 1.475.
- The Examiner's characterization of alleged species II and allocation of claims 27 and 42 to this alleged species is plainly in error, in that neither of the original 27 and 42 (nor any of the other claims, for that matter) contains limitations to a one-dimensional signal. As such, the examiner's alleged species II does not appear to exist, and claims 27 and 42 are plainly generic

to any species that includes a look-up table.

- The Examiner's characterizations of the alleged species III and IV are plainly in error, in that none of the figures disclose an embodiment in which a two-dimensional signal is used to drive a one-dimensional modulator. As such, the examiner's alleged species IV does not appear to exist. Furthermore, the Examiner seems to admit that all of the claims, with the exception of those specifically allocated to alleged species I and II, are generic to both of the alleged species III and IV. In such a situation, it seems that an election between these alleged species is impossible.

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,



Kent Daniels
Agent for Applicant
Registration No. 44,206

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BLAKE, CASSELS & GRAYDON LLP
45 O'Connor Street
Suite 2000, World Exchange Plaza
Ottawa ON K1P 1A4
Canada

Tel: 613-788-2252
KDAN/smat

40272612.2